

In The Matter Of:

*U.S. ex rel. GNGH2, Inc. vs.
XLD CENTURY LLC and XLD GROUP LLC*

PATRICIA SANDOVAL

March 19, 2024

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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United States ex rel.
GNGH2 Inc.

Plaintiff,

vs.

Case No.:
2:22-cv-05514-SB(PVCx)

XLD CENTURY LLC and
XLD GROUP LLC,

Defendant(s).

_____/

VIDEOCONFERENCE DEPOSITION OF PATRICIA SANDOVAL

Tuesday, March 19, 2024

2:59 p.m. Pacific Time

Reported by: STACY A. SHORT, CSR NO. 7446

A P P E A R A N C E S

For the Plaintiff UNITED STATES EX REL. GNGH2 INC.:

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Appearing on behalf of UMPQUA BANK and the deponent,
PATRICIA SANDOVAL:

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PATRICIA SANDOVAL

1 VIDEOCONFERENCE DEPOSITION OF PATRICIA SANDOVAL,
2 taken on behalf of the Plaintiff, appearing remotely via
3 Zoom videoconference from San Diego, California, on
4 Tuesday, the 19th day of March, 2024, commencing at the
5 hour of 2:59 p.m. Pacific Time, before STACY A. SHORT, a
6 Certified Shorthand Reporter of the State of California,
7 License No. 7446, taken pursuant to Subpoena.

8 ---o0o---

9
10 (NOTE: Exhibits U1 through U7 were marked
11 for identification prior to start of deposition.)
12

13 PATRICIA SANDOVAL,
14 appearing via Zoom videoconference, and being
15 first duly sworn remotely by the court reporter,
16 was examined and testified as follows:
17

18 THE WITNESS: I do.

19 THE REPORTER: You can put your hand down.
20

21 EXAMINATION BY MR. ABRAMS

22 MR. ABRAMS: Q. Good afternoon, Ms. Sandoval.
23 My name is David Abrams. I'm an attorney who's
24 representing the plaintiff, GNGH2 Inc., in a case which
25 is pending in Los Angeles Federal Court, and, you know,

PATRICIA SANDOVAL

1 first of all, I realize that you're here on behalf of
2 Umpqua Bank, a third party, so I wanted to thank you for
3 cooperating with this process and allowing me to question
4 you.

5 Now, I'm here of course to ask you some
6 questions, and the first question I have for you is have
7 you ever been deposed before?

8 A. I have not.

9 Q. Okay. So for the record then, let me go over the
10 rules of the deposition even though I'm sure you've been
11 prepared for this.

12 Do you understand that my job is to ask you
13 questions, and your job is to answer them? Do you
14 understand that?

15 A. Yes.

16 Q. Okay. And do you understand that even though
17 we're not in court, you've been given an oath, and you
18 have a legal obligation to tell the truth today? Do you
19 understand that?

20 A. Yes.

21 Q. Okay. And since the court reporter is taking
22 down everything that we say, you have to give verbal
23 answers to questions. In other words, you can't answer
24 questions by shaking your head, by saying "uh-huh" or
25 anything like that. Do you understand?

PATRICIA SANDOVAL

1 A. Yes.

2 Q. Okay. Now, also, we can't talk at the same time
3 since the court reporter is taking down everything we say,
4 so if I'm in the middle of asking a question, and even if
5 you sort of know where I'm going with it, I would ask that
6 you wait to answer until I'm done with the question. Do
7 you understand?

8 A. Yes.

9 Q. And similarly, if you're answering a question,
10 I'll try not to interrupt you, so that way the court
11 reporter can take down everything we say. Okay?

12 A. Yes.

13 Q. All right. Now, if you don't understand a
14 question, I would ask you to tell me so, and I'll try to
15 rephrase it. Okay?

16 A. Yes. I understand.

17 Q. So that way if I ask you a question and you
18 answer it, I'm going to assume that you understood the
19 question and that you're answering to the best of your
20 ability. Okay?

21 A. Yes.

22 Q. All right. Now, are you under the influence of
23 any drugs, alcohol, or medication which would affect your
24 ability to testify truthfully today?

25 A. No, I am not.

PATRICIA SANDOVAL

1 Q. Okay. And can you tell me the name of your
2 current employer?

3 A. My current employer is Umpqua Bank.

4 Q. Okay. And what's your position with Umpqua Bank?

5 A. I am a vice-president/SBA compliance
6 administrator.

7 Q. Vice-president -- can you say that again, ma'am?

8 A. Yes. Vice-president/SBA compliance
9 administrator.

10 Q. SBA compliance. And how long have you held that
11 position, ma'am?

12 A. I have been in that position approximately ten
13 years.

14 Q. Okay. And how long have you -- and that's a
15 full-time position?

16 A. Yes, it is.

17 Q. Okay. And how long have you been with Umpqua
18 Bank?

19 A. I have been with Umpqua Bank -- Umpqua Bank for
20 20 years.

21 Q. 20 years. Okay. And are you -- do you work out
22 of a particular office of Umpqua Bank?

23 A. Currently I'm working remotely.

24 Q. Okay. So that means, when you say you're working
25 remotely, you work from home?

PATRICIA SANDOVAL

1 A. Yes, that is correct.

2 Q. Okay. And can you tell me what city and state
3 you reside in?

4 A. Yes. I live -- it's an unincorporated community
5 of Bonita, California.

6 Q. I'm sorry. Say that again.

7 A. I live in Bonita, California.

8 Q. Can you spell that?

9 A. Yes. It's B-o-n-i-t-a.

10 MR. ABRAMS: Okay. Counselor for the bank, you
11 know, I don't want to pry into her personal life, but I
12 need to have an address in case she needs to be
13 subpoenaed, so are we able to give me an address?

14 MR. TARCZY: And Counsel, we can meet and confer
15 on that after that, but we'll -- we'll accept a subpoena
16 on behalf of the bank.

17 MR. ABRAMS: Okay. Because what I'm concerned
18 about is the -- the bank is located in the northwest,
19 which of course is very, very far from Los Angeles, but
20 the witness just testified that she lives -- I'm trying to
21 find it on a map -- Bonita, California.

22 Let's see. And that looks like it's -- I'm not
23 sure. That's not that far from Los Angeles, so I guess
24 what I would ask, if you could just represent on the
25 record that if we need to subpoena her, you'll accept the

PATRICIA SANDOVAL

1 subpoena as if it had been brought to her address in
2 Bonita. Is that okay?

3 MR. TARCZY: Yeah. We can -- we can stipulate to
4 that.

5 MR. ABRAMS: Okay. That -- that -- that would be
6 great.

7 Q. (By Mr. Abrams) Fine. And you've -- how long
8 have you been working remotely, ma'am?

9 A. I have been working remotely for four years.

10 Q. I see. And you intend to continue doing so for
11 the foreseeable future?

12 A. Yes.

13 Q. Okay. All right. Now, can you briefly describe
14 your job duties for me?

15 A. Yes. I'm responsible for supporting our business
16 unit with loan compliance related functions.

17 Q. Can you just give me, without getting into too
18 much detail, like an example of what that entails?

19 A. Yes. That can include reviewing loan documents,
20 maintaining some loan systems, a variety of functions.

21 Q. Okay. And you said -- you mentioned SBA
22 compliance, so is this like small business loans and PPP
23 loans and things like that?

24 A. Yes, that is correct.

25 Q. Okay. All right. So you're familiar with the

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1 second draw PPP disaster relief program?

2 A. Yes, I am.

3 Q. All right. And are you able to describe that
4 program in a few words?

5 A. It was a government program that was offered to
6 assist small business companies during the COVID pandemic.

7 Q. Okay. And was Um- -- I take it Umpqua Bank was
8 involved in that program?

9 A. Yes, Umpqua Bank participated in that program.

10 Q. Okay. And how did Umpqua Bank participate?

11 A. Umpqua Bank was a lender of PPP loans.

12 Q. Okay. So are you able to describe in general
13 terms the interplay between an applicant for a PPP loan, a
14 lending bank such as Umpqua, and the SBA?

15 A. Can you -- can you pose that question again,
16 please?

17 Q. Okay. Well, in terms of the -- the flow of the
18 money involved, can you tell me how it would work with --
19 starting with what an applicant would do and how the bank
20 would get involved and how the SBA would be involved?

21 MR. TARCZY: I'm going to object to the extent it
22 calls for speculation and is an incomplete hypothetical,
23 but if you understand the question, you can answer,
24 Ms. Sandoval.

25 THE WITNESS: Yes, I'll -- I'll answer to the

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1 best of my ability. Applicants would apply for the PPP
2 loan. The bank receives the information from the
3 applicant and reviews the information and then submits the
4 information to the SBA administration and then receives
5 approval from the SBA and then disburses the loan proceeds
6 to the applicant.

7 MR. ABRAMS: Q. Okay. And would anything happen
8 after that?

9 A. The loan is then maintained by the lender.

10 Q. Okay. Well, typically would a borrower pay back
11 that loan?

12 A. That is correct. Typically a borrower would --
13 would pay back the loan.

14 Q. Okay. Well, were any of the loans forgiven?

15 A. Yes, some of the PPP loans were forgiven.

16 Q. Okay. And would you say that that's a majority
17 of the loans or a minority, or roughly how -- what
18 percentage were forgiven?

19 A. I would not be able to answer that.

20 Q. Okay. And if a loan was forgiven, what would
21 happen in terms of money? Who would pay the bank, if
22 anyone?

23 A. The loans that are forgiven are paid by the SBA.

24 Q. Okay. Now, in terms of the PPP, was -- was there
25 an application process for PPP loans?

PATRICIA SANDOVAL

1 A. Yes, there was an application process.

2 Q. Okay. And were there application forms?

3 A. Yes, there were forms.

4 Q. Okay. So can you just tell me in general terms
5 what happened in terms of the application and the forms?

6 MR. TARCZY: And same objections as to
7 speculation and potentially calling for an incomplete
8 hypothetical. But you can answer the question if you
9 understand.

10 MS. MOON: Objection. Vague and ambiguous and
11 compound.

12 MR. ABRAMS: Q. Ma'am, did you understand the
13 question?

14 A. I'm sorry. I did not understand the question.

15 Q. Okay. Well -- well, let me put the question a
16 different way.

17 What was the role of the application forms in the
18 loan application process?

19 A. The role of the application was to initiate the
20 loan process and obtain information from the applicant.

21 Q. I see. And who would complete these application
22 forms?

23 MR. TARCZY: Objection to the extent it calls for
24 speculation and is an incomplete hypothetical. But you
25 can answer.

PATRICIA SANDOVAL

1 THE WITNESS: Small business borrowers would
2 complete the applications.

3 MR. ABRAMS: Q. Okay. And would that be done in
4 paper form or electronically, generally speaking?

5 A. The PPP program was done electronically.

6 Q. Okay. And so the applicant would complete the
7 form on a computer screen?

8 A. I don't know that I'd be able to answer that
9 question. It was done electronically.

10 Q. Okay. Well, if it wasn't done using a computer
11 screen, how else would it have been done?

12 MS. MOON: Objection.

13 MR. TARCZY: Objection to the extent it calls --
14 you can go, Ms. Moon.

15 MS. MOON: Objection. Vague and ambiguous.

16 MR. TARCZY: Objection. Calls for speculation.
17 But you can answer if you know.

18 THE WITNESS: Applicants could have used a phone
19 or a desktop computer.

20 MR. ABRAMS: Q. I see. And did -- would the
21 applicants sign the form?

22 A. Yes, I believe so.

23 Q. Okay. Would that be done electronically or some
24 other way?

25 A. Yes, those would be -- have been done

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1 electronically.

2 Q. Okay. And the applicants would submit the forms?

3 A. That is correct.

4 Q. All right. And that would be done
5 electronically?

6 A. Yes.

7 Q. Okay. Now, if -- if an applicant failed to
8 electronically sign and submit the application form, would
9 they get the money?

10 MR. TARCZY: Objection. Calls for speculation,
11 vague and ambiguous, incomplete hypothetical. But you can
12 answer if you know.

13 THE WITNESS: I don't know the answer to that
14 question.

15 MR. ABRAMS: Q. You don't know, ma'am. Is that
16 a fact?

17 MS. MOON: Objection. Argumentative.

18 MR. TARCZY: Yeah. Objection. Asked --

19 MR. ABRAMS: Q. Are you say- --

20 MR. TARCZY: -- and answered as well.

21 MR. ABRAMS: Q. Are you saying you don't know?

22 Let me ask you this: What did you do to prepare for
23 today's deposition?

24 MR. TARCZY: Objection to the extent it calls for
25 attorney-client privileged communication. You can answer

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1 the question except to the extent it involves discussions
2 between your counsel and you.

3 THE WITNESS: Could you ask the question again,
4 please?

5 MR. ABRAMS: Q. What did you do to prepare for
6 today's deposition?

7 MR. TARCZY: And same objections, but you can
8 answer to the extent it doesn't involve discussions
9 between counsel and yourself.

10 THE WITNESS: I reviewed the -- the file, the
11 loan file.

12 MR. ABRAMS: Q. Okay. And did you review the
13 deposition notice for the deposition?

14 A. I cannot recall.

15 Q. Okay. Well, I'm going to mark it exhibit into
16 evidence, and we're going to go out of order,
17 unfortunately.

18 ([Exhibit U8](#) was introduced and marked
19 for identification at this time.)

20 MR. ABRAMS: This is going to be [Exhibit 8](#), so
21 I'm going to put it up on the screen. Just give me a
22 second.

23 THE REPORTER: You said [Exhibit 8](#); correct?

24 MR. ABRAMS: Yep. You don't have it.

25 THE REPORTER: Okay.

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1 MR. ABRAMS: It's -- it's actually going to be
2 [Exhibit U8](#).

3 THE REPORTER: Thank you.

4 MR. ABRAMS: Q. All right. You see the document
5 that's in front of you?

6 A. Yes, I do.

7 Q. Okay. And have you ever seen this document
8 before?

9 A. I have --

10 MS. MOON: Counsel, is there -- I'm sorry. Is
11 there more to this than this portion that you're showing?

12 MR. ABRAMS: Q. All right. Ma'am, what you see
13 on the screen, have you seen this before?

14 A. I have not.

15 Q. Okay. Well, I'm going to scroll through it and
16 represent to you that it's a subpoena that was served on
17 Umpqua Bank. Okay. Do you see it's five pages?

18 A. Yes.

19 Q. And you see I'm looking at Page 4 now of -- of
20 U8, and it says, "Subject of 30(b)(6) deposition"?

21 A. Yes.

22 Q. Okay. So you see Paragraph 1? I'm just going to
23 read it into the record, or I'm going to read the -- I'm
24 actually going to read the -- from -- from the top.

25 It says, "Pursuant to Rule 30(b)(6) of the

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1 Federal Rules of Civil Procedure, Plaintiff-Relator
2 requests that a witness be supplied who is knowledgeable
3 about the following areas of inquiry."

4 You see that so far?

5 A. Yes.

6 Q. All right. And then it says, "The application
7 process for second-draw PPP loans, including the issues of
8 what forms need to be completed by the recipient and how,
9 whether the application forms need to be signed, what
10 certifications are contained in the forms, whether such
11 certifications need to be initialed and/or agreed to in
12 order for the loan to issue, and what would happen in the
13 event that an applicant failed to sign, submit, initial,
14 or agree to any of the above."

15 Do you see that, ma'am?

16 A. Yes, I do.

17 Q. Okay. So just so we're clear, as you sit here
18 today, you're not prepared to testify as to what would
19 happen in the event that an applicant failed to sign,
20 submit, initial, or agree on the application form; is that
21 correct?

22 MR. TARCZY: Objection. Misstates her testimony,
23 calls for speculation, calls for a legal conclusion. It's
24 argumentative. She is here to testify as to Category 1,
25 and she is the person most knowledge on that category.

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1 MR. ABRAMS: Q. Are -- ma'am, are you able to
2 answer my question? Are you able to testify about what
3 would happen in the event an applicant failed to sign and
4 submit an application form?

5 A. Yes, I am.

6 Q. You are. Okay. Great. I'm really happy to hear
7 that because I was worried that we would have to come back
8 another day.

9 So let me ask you this then: Are you able to
10 tell me -- and I'm talking about the second draw PPP
11 loans -- what would happen in the event that an applicant
12 failed to sign and submit an application form?

13 MR. TARCZY: Objection. It calls for
14 speculation. It's vague. It's ambiguous. It lacks
15 foundation and is an incomplete hypothetical. But you can
16 answer if you know the answer to that question.

17 THE WITNESS: I -- I do not know the answer.

18 MR. ABRAMS: Q. Okay. That's very, very
19 unfortunate. So did you do any research to prepare for
20 today's deposition?

21 A. No, I did not do research to prepare.

22 Q. Did you -- did you speak to anyone in the -- in
23 the bank?

24 MR. TARCZY: Objection to the extent it invades
25 the attorney-client privilege, but you can answer outside

PATRICIA SANDOVAL

1 of communications between you and counsel.

2 THE WITNESS: No, I did not.

3 MR. ABRAMS: Q. Okay. Did you do anything
4 besides review the loan files?

5 A. No, I did not.

6 Q. Okay. And you've never seen this document
7 before, [Exhibit 8](#) -- U8; is that correct?

8 A. I have seen this document.

9 Q. You have seen it. When did you see it?

10 A. I saw it about a week ago.

11 Q. Okay. And did you see Paragraph 1 that I was
12 reading to you?

13 A. Yes.

14 Q. Okay. And -- and after you read Paragraph 1, I
15 take it you didn't do any research to find out what would
16 happen if an applicant failed to sign and submit an
17 application form?

18 MS. MOON: Objection. Vague and ambiguous.

19 MR. TARCZY: Objection. It's an incomplete
20 hypothetical. It calls for speculation. It lacks
21 foundation. But you can answer if you know, Ms. Sandoval.

22 THE WITNESS: Could you -- no, I -- I'm sorry. I
23 don't understand your question. Could you please --

24 MR. ABRAMS: Q. I'll -- sure. I'll try to
25 rephrase it.

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1 After you saw this document about a week ago, did
2 you do any research to find out what would happen if an
3 applicant failed to sign and submit an application form?

4 A. No, I did not.

5 Q. Okay. Why not?

6 MR. TARCZY: Objection to the extent it invades
7 the attorney-client privilege. You can answer -- you can
8 answer it if you -- if you can answer the question.

9 MS. MOON: Objection. Not -- not really
10 calculated to lead to admissible evidence. I don't know
11 what -- what Counsel is trying to go, but -- where he's
12 trying to go, but it's really not relevant, the answer to
13 the question posed.

14 MR. ABRAMS: Q. Ma'am, are you able to answer my
15 question?

16 A. No, I'm not able to.

17 Q. Okay. So just so we're clear, you don't know why
18 you didn't research that issue; is that right?

19 MR. TARCZY: Objection to the extent it invades
20 the attorney-client privilege. I'm going to instruct the
21 witness not to answer that question.

22 MR. ABRAMS: Q. All right. So let's put the
23 question a different way, ma'am.

24 So your testimony is that without disclosing
25 communications between you and your counsel, you're not

PATRICIA SANDOVAL

1 able to tell me why you failed to do that research? Is
2 that your testimony?

3 A. That is correct.

4 Q. Okay. Well, is it true that the application
5 forms for the loan -- well, actually, you know, let's look
6 at that. Let's go to [Exhibit U1](#).

7 ([Exhibit U1](#), marked for identification prior to
8 start of deposition, was introduced at this time.)

9 MR. ABRAMS: Q. All right. I'm showing you
10 what's been marked as U1. It's a four-page document. You
11 should have had it in advance. I'm just going to scroll
12 through it so you can see, and I'm going to ask you if you
13 recognize this document.

14 A. Yes, I do.

15 Q. All right. What's this document?

16 A. This is the second draw application form.

17 Q. From -- from any particular applicant?

18 A. The applicant looks to read on this document as
19 XLD Group LLC.

20 Q. Okay. Well, is this -- is this a record that
21 Umpqua Bank keeps in the ordinary course of business?

22 A. Yes, it is.

23 Q. Okay. And are you able to identify it as such?

24 A. Yes, I am.

25 Q. Okay. And based on your review of the record,

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1 are you able to say that this is the application form for
2 the second draw PPP relief for XLD Group LLC?

3 A. It appears to be.

4 Q. Okay. So -- well, you reviewed this document for
5 the deposition; correct?

6 A. Yes.

7 Q. Okay. And you say it appears to be. Are you
8 saying that you're concerned there might be fraudulent
9 or -- or there might be forged documents in Umpqua Bank's
10 files?

11 MR. TARCZY: Objection. Misstates her testimony,
12 lacks foundation, argumentative. You can answer if you
13 have an answer to that question.

14 THE WITNESS: I -- I did not say that.

15 MR. ABRAMS: Q. Okay. Well, I'm a little
16 confused because you reviewed the bank's files before this
17 deposition, so you're able to say if -- you're able to say
18 if records are truly from the bank's files or not;
19 correct?

20 A. Yes.

21 Q. All right. And this is an accurate
22 representation of what was in the bank's files; correct?

23 A. That is correct.

24 Q. Okay. And so it's fair -- is it fair to say that
25 the bank's records show -- well, let me put the question a

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1 different way.

2 According to the bank's records -- well, let's
3 scroll down.

4 And actually, well, just so I'm clear, according
5 to the bank's records, is this the second draw
6 application -- PPP application form for XLD Group LLC?

7 A. Yes.

8 Q. Okay. Now, I'm going to scroll down to Page 3,
9 and you see that -- well, actually, let's go to the end.

10 The -- the bank used some kind of electronic
11 system to make sure that an authorized representative of
12 the bank [sic] was signing and submitting the application
13 forms; is that correct?

14 A. That is not correct.

15 Q. Okay. So how did the bank verify that the
16 authorized representative of an applicant was signing and
17 submitting the application form?

18 A. The applicant would certify that they were
19 authorized to represent the applicant.

20 Q. Okay. And there was an electronic system in
21 place, was there not, to make sure that it was really the
22 applicant applying for the loan?

23 A. Yes, that is correct.

24 Q. And what was that system called?

25 A. That was DocuSign.

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1 Q. Okay.

2 A. DocuSign.

3 Q. And can you say anything about whether the bank's
4 general practice was to use this DocuSign system for
5 second draw PPP loans?

6 A. Yes, that is correct.

7 Q. So it was?

8 A. Yes, the DocuSign system was used. Yes.

9 Q. Okay. So if -- if a loan application is in your
10 files, can you conclude anything about whether DocuSign
11 must have been used for that loan application?

12 A. I'm not sure I understand your question.

13 Q. Was it the practice of the bank to accept loan
14 applications that were not -- or PPP second draw loan
15 applications that were not subject to this DocuSign
16 system?

17 MR. TARCZY: Objection. It's vague. It's
18 ambiguous. It's an incomplete hypothetical. It calls for
19 speculation. But you can answer if you know.

20 THE WITNESS: For this program, the DocuSign
21 system was used.

22 MR. ABRAMS: Q. Okay. Now, you see on Page 3
23 and 4 there's a series of -- well, do you see it says,
24 "The authorized representative of the Applicant must
25 certify in good faith to all of the below by initialing

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1 next to each one"? Do you see that?

2 A. Yes, I do.

3 Q. Okay. And can you say anything, looking at this
4 document, about whether the applicant initialed next to
5 each certification?

6 A. It looks like the applicant initialed next to
7 each certification.

8 Q. Okay. And was that a required part of the
9 process?

10 A. Yes, it was.

11 Q. Okay. So if an applicant failed to certify to
12 each of these certifications, would the bank be able to
13 process the loan and give them the money?

14 MR. TARCZY: Objection to the extent it's an
15 incomplete hypothetical, lacks foundation, and calls for
16 speculation. But you can answer if you know.

17 THE WITNESS: I don't know.

18 MR. ABRAMS: Q. Okay. So you're not able to
19 say -- well, let's turn to the -- do you see the second
20 from the top on Page 4?

21 A. Yes.

22 Q. It says, "The Applicant is not a business concern
23 or entity..." and there's some stuff about the People's
24 Republic of China?

25 A. Yes, I see that.

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1 Q. Okay. So is it your testimony that you don't
2 know if that was a required certification in order for the
3 loan to be processed?

4 A. All the certifications were required
5 certifications.

6 Q. Okay. So when you say that were -- they were
7 required, does that mean that it -- well, if -- if an
8 applicant failed to meet the requirements, would they get
9 the money?

10 MR. TARCZY: Objection. It's vague. It's
11 ambiguous, lacks foundation, calls for speculation. It's
12 an incomplete hypothetical. But you can answer if you
13 know.

14 THE WITNESS: Can you ask the question again?

15 MR. ABRAMS: Q. Well, let me ask -- let me step
16 back a second.

17 You testified that these certifications were a
18 required part of the process; correct?

19 A. Yes.

20 Q. Okay. What does the word "require" mean to you?

21 A. Something that is necessary as part of something
22 else.

23 Q. Okay. And if an applicant didn't do what was
24 necessary for the loan, would they get the money?

25 MR. TARCZY: Objection. It's vague. It's

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1 ambiguous, lacks foundation. It calls for speculation.
2 It's an incomplete hypothetical. But you can answer if
3 you know.

4 THE WITNESS: I would say no.

5 MR. ABRAMS: Q. Okay. All right. Now I'm
6 looking to the first page of the document. Well, let me
7 ask you this: You see on the document, U1, there's a
8 whole series of fields; right? There's a -- there's an
9 area where someone can enter, it says NAICS code, and then
10 there's a field where someone can enter average monthly
11 payroll. There's all these things that appear to be --
12 e-mail address and so on. Do you see all that?

13 A. Yes, I do.

14 Q. Okay. Now, in terms of the application process,
15 would that information be -- who would enter that
16 information into the form?

17 A. The application form was completed by the
18 applicant.

19 Q. Okay. Did the bank put any of that information
20 into the form?

21 A. No, the bank did not.

22 Q. Okay. Okay. I'm going to stop sharing this and
23 move on. Well, actually -- let's see. I'm going to move
24 on to Number 2.

25 ///

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1 (Exhibit U2, marked for identification prior to
2 start of deposition, was introduced at this time.)

3 MR. ABRAMS: Q. So I'm showing you what's been
4 marked -- hold on. Let me just get it onto the screen.

5 I'm showing you what's been marked as U2, and I'm
6 going to ask if you recognize this document, and I'll flip
7 through it so that you can see. Do you recognize this
8 document, ma'am?

9 A. Yes, I do.

10 Q. All right. What is it?

11 A. This is a second draw application form.

12 Q. Okay. And when you say second draw, you're
13 talking about second draw PPP loans?

14 A. Yes.

15 Q. Okay. And according to the bank's records, who
16 was the applicant for this loan?

17 A. The applicant on this document is XLD Century
18 LLC.

19 Q. Okay. And was this document kept in the ordinary
20 course of business of Umpqua Bank?

21 A. Yes.

22 Q. Okay. And is this document a fair representation
23 of the application form submitted by the applicant in
24 connection with the PPP loan at issue?

25 A. Yes.

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1 Q. Okay. And the same -- you know, I'm not sure I
2 asked you that question -- same question about U1, the
3 first one we looked at.

4 A. Did -- did you ask me a question right now?

5 Q. Yes. The -- remember a minute ago I showed you
6 U1 --

7 A. Yes.

8 Q. -- which was -- so I had the same question about
9 U1. Is that a fair -- a fair -- except of course of XLD,
10 if U1 is --

11 MS. MOON: Objection. Vague and ambiguous.

12 MR. ABRAMS: Please let me finish my question,
13 Counselor.

14 Q. (By Mr. Abrams) Is U1 a fair representation of
15 the second draw PPP application submitted by XLD Group?

16 MS. MOON: Objection. Vague and ambiguous,
17 possibly compound. I don't know what you mean.

18 MR. ABRAMS: Q. You want me to show you the
19 document, ma'am? Would that help?

20 A. No, that's not necessary. So your -- your
21 question is if it's a fair --

22 Q. Right.

23 A. -- business --

24 Q. Let me show you. Let's go back to U1 for a
25 second. Okay. We talked -- we just talked about this

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1 document.

2 Is this -- is this a fair representation of the
3 second draw PPP loan application submitted by XLD Group
4 LLC?

5 A. Yes, it is.

6 Q. Okay. And turning back to U2, you recall that I
7 asked you a series of questions about U1. Do you
8 remember?

9 A. Yes.

10 Q. Okay. And if I were to ask you the same series
11 of questions about U2, would you give the same answers?

12 MS. MOON: Objection. Compound.

13 MR. TARCZY: Yeah, I'm going to object to the
14 extent it's vague and ambiguous. But if you understand,
15 Ms. Sandoval, you can answer the question.

16 THE WITNESS: It would be the -- the same
17 answers.

18 MR. ABRAMS: Q. Okay. Let me ask you this: In
19 connection with the application process, did the bank --
20 did Umpqua Bank do anything to review the information
21 supplied or verify the information supplied in the
22 application forms?

23 MR. TARCZY: Objection. It's vague. It's
24 ambiguous. It lacks foundation, calls for speculation,
25 and it's an incomplete hypothetical. But you can answer

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1 if you know.

2 THE WITNESS: Yes. The bank did have two
3 verification steps that were followed.

4 MR. ABRAMS: Q. I see. And what were those
5 verification steps?

6 A. The verification by the Secretary of State to
7 determine whether or not the entity applicant was active,
8 and then the second step was a certification of beneficial
9 ownership.

10 Q. Okay. And can you tell me what that was?

11 A. Well, which? Which one? What -- what what was?

12 Q. Let's move on to the next question.

13 Let me ask you this, ma'am: If during the
14 application process the bank received information showing
15 that one or more of these certifications on the form were
16 wrong, would the bank -- would that affect the bank's
17 decision whether or not to issue the loan?

18 MR. TARCZY: Objection. Lacks foundation, calls
19 for speculation, incomplete hypothetical. But you can
20 answer.

21 THE WITNESS: No, the bank would not proceed.

22 MR. ABRAMS: Q. Okay. So actually what you mean
23 is yes, the bank would not proceed; correct?

24 A. Correct. The bank would not proceed.

25 Q. Okay. All right. Let's go on to U3.

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1 (Exhibit U3, marked for identification prior to
2 start of deposition, was introduced at this time.)

3 MR. ABRAMS: Q. All right. I'm showing you
4 what's been marked as U3. Are you able to identify this
5 document?

6 A. Yes, I am.

7 Q. All right. What's the -- what's U3?

8 A. This is a letter that would be sent to the
9 borrower indicating that loan payment was received for
10 forgiveness.

11 Q. Okay. And, well, who was the borrower for -- for
12 this U3?

13 A. The borrower for U3 is XLD Group LLC.

14 Q. Okay. And is this a document that was kept by
15 Umpqua Bank in the ordinary course of business?

16 A. Yes, it is.

17 Q. Okay. And based on your review of this document,
18 are you able to tell me that -- in terms of this loan how
19 much money in terms of principal and interest the U.S.
20 Small Business Administration paid in connection with the
21 for- -- you know, the forgiveness of the loan?

22 A. This document reflects \$2,012,547.95.

23 Q. So is your answer "yes"?

24 A. Yes.

25 Q. Okay, because you sort of skipped ahead.

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1 Okay. So the next question was going to be how
2 much is that amount, and can you -- can you just tell me
3 for the record how much the amount is?

4 A. 2,012,547.95.

5 Q. Okay. All right. Let's turn to U4.

6 (Exhibit U4, marked for identification prior to
7 start of deposition, was introduced at this time.)

8 MR. ABRAMS: Q. Are you able to identify U4?

9 A. Yes.

10 Q. All right. And what's U4?

11 A. A letter notifying the borrower of loan
12 forgiveness by the SBA.

13 Q. Okay. And is this a document from Umpqua Bank's
14 files?

15 A. Yes, it is.

16 Q. All right. And was this kept in the ordinary
17 course of business?

18 A. Yes.

19 Q. Okay. And based on your review of the document,
20 are you able to tell me how much money the Small Business
21 Administration paid in respect of the second draw PPP loan
22 of XLD Century LLC? And that's a "yes" or "no" question.

23 A. Yes.

24 Q. Okay. What's that amount based on the bank's
25 records?

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1 A. \$2,013,808.22.

2 Q. Okay. All right. I'm turning to U5 now.

3 (Exhibit U5, marked for identification prior to
4 start of deposition, was introduced at this time.)

5 MR. ABRAMS: Q. Are you able to recognize -- are
6 you able to identify U5?

7 A. Yes.

8 Q. All right. And what's U5?

9 A. This is an e-mail.

10 Q. Okay. Between who and whom?

11 A. Between Amanda Jay and Becky Zhang.

12 Q. Okay. And is this a document from Umpqua Bank's
13 files?

14 A. Yes.

15 Q. Okay. And was it kept in the ordinary course of
16 business?

17 A. Yes.

18 Q. All right. Now, let me ask you this: Did the
19 bank in -- in respect -- we've been talking about two
20 loans; agreed?

21 A. Yes.

22 Q. All right. And did the bank collect processing
23 fees in respect of those loans?

24 A. I do not know.

25 Q. Okay. Did you do any research to find out if the

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1 bank collected processing fees in respect of those loans?

2 A. I did not.

3 Q. Why not?

4 MR. TARCZY: Objection to the extent it invades
5 the attorney-client privilege. I'm going to instruct the
6 witness not to answer.

7 MR. ABRAMS: Q. All right. Well, let's go back
8 to [Exhibit 8](#). So we're -- we're looking back at
9 [Exhibit 8](#). You see in Paragraph 2 it says, "The financial
10 process of second-draw PPP loans, including how monies are
11 paid out by the lender and the United States and when; the
12 nature and amount of processing fees involved..."? You
13 see that?

14 A. Yes.

15 Q. Okay. And your testimony is that without
16 revealing conversations between you and your counsel,
17 you're not able to tell me why you didn't research this
18 issue?

19 A. That is correct.

20 Q. Well, is it fair to say that based on your
21 knowledge -- based on your position, is it -- is it fair
22 to say that that information is somewhere in the bank's
23 files?

24 MR. TARCZY: Objection to the extent it calls for
25 speculation and lacks foundation. You can answer if you

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1 know.

2 THE WITNESS: Yes. That would be in the bank's
3 records.

4 MR. ABRAMS: Okay.

5 (Pause for Mr. Abrams.)

6 MR. ABRAMS: Okay. Let's move on.

7 (Pause for Mr. Abrams.)

8 MR. ABRAMS: All right. I need a short break to
9 check over my notes. Well, I was about to say I'm almost
10 done, but I'm actually not done. I'm going to have to --
11 I'm not going to be able to close this deposition out
12 today, but I need a break to see if I can -- if I have
13 any more questions that I can think of right now, so if we
14 could -- let's see. It's 6:48. If we could come back on
15 at 7:00 p.m.

16 MS. MOON: I --

17 MR. TARCZY: Sure. Somebody was speaking. Go
18 ahead. I didn't mean to cut you off.

19 MS. MOON: No, you go ahead. Yeah.

20 MR. TARCZY: I was just going to say we can come
21 back at 7:00.

22 MS. MOON: Yeah, and I will have some questions
23 for the deponent basically too.

24 MR. ABRAMS: Okay. And by the way, you know, I
25 did say -- when I said 7:00 I really meant 4:00. I -- I

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1 just was looking at the phone -- I mean -- excuse me -- at
2 the time on my screen. So in other words, in 12 minutes
3 we'll come back. Okay?

4 MS. MOON: Okay.

5 MR. TARCZY: I figured as much. Yes.

6 (Recess taken from 3:48 to 4:01 p.m. Pacific Time.)

7 MR. ABRAMS: Q. Okay. So ma'am, we -- let me
8 ask you this just so we're clear: Do you remember you
9 gave some testimony about whether the initial
10 certifications in the application forms -- whether that
11 was a required part of the process? Do you remember you
12 testified a little bit about that?

13 A. Yes, I do.

14 Q. Okay. And that -- does that testimony apply to
15 both of the application forms?

16 A. Yes.

17 Q. Okay. Now, I understand that you've had an
18 opportunity to do further research while we were off the
19 record just now; is that right?

20 MR. TARCZY: And you -- I'm going to object to
21 the extent it invades the attorney-client privilege, but
22 you can answer as to what you looked at.

23 MR. ABRAMS: Well, it's a "yes" or "no" question,
24 so if you're not going to let her give a "yes" or "no"
25 answer to that, then, you know, so be it, but the question

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1 is "yes" or "no."

2 MR. TARCZY: You can answer the question.

3 THE WITNESS: Yes.

4 MR. ABRAMS: Q. Okay. And based on your
5 additional research, are you able to give testimony as to
6 the amount of processing fees received by the bank in
7 respect of the two loans we've been discussing today?

8 A. Yes, I am.

9 Q. Okay. And how much in terms of processing fees
10 were received by the bank in terms of each loan, in
11 respect of each loan?

12 A. According to the SBA procedural notice, it was
13 three percent.

14 Q. All right. Well, are you able to testify based
15 on your review of an investigation of bank records, ma'am,
16 or are you simply going by an SBA procedural notice?

17 MR. TARCZY: Objection to the extent it's vague
18 and ambiguous as to "bank records," but you can answer if
19 you understand.

20 THE WITNESS: The bank adhered to the SBA
21 procedural notices.

22 MR. ABRAMS: Q. Well, I'm just asking you to
23 tell me -- look, you've worked for this bank for 20 years;
24 you've been an SBA position for ten years; you're familiar
25 with the procedures, and I want you to tell me based on

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1 your general knowledge how much in processing fees the
2 bank received in respect of each loan. Are you able to do
3 that?

4 MR. TARCZY: Objection to the extent it's asked
5 and answered, but you can answer if you understand,
6 Ms. Sandoval.

7 THE WITNESS: Yes, based upon my knowledge.

8 MR. ABRAMS: Q. All right. And how much, based
9 on your knowledge in terms of processing fees, was
10 received in respect of each loan?

11 A. It was three percent of the loan amount.

12 Q. Okay. And how much was the loan amounts?

13 A. Two million.

14 Q. Okay. Are you facile with mathematics, ma'am, or
15 shall I just skip -- skip the math? It's up to you. Are
16 you good with figures?

17 MR. TARCZY: Objection. It's vague. It's
18 ambiguous. The answer speaks for itself. But if you
19 can answer the question, you can answer the question,
20 Ms. Sandoval.

21 MR. ABRAMS: Q. All right. Well, look, how much
22 is three percent of two million dollars?

23 MS. MOON: Really, Counsel? She's not here as a
24 calculator. That's an inappropriate deposition question.

25 MR. ABRAMS: Q. All right. How much is three

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1 percent of two million dollars, ma'am?

2 A. The fee was -- three percent would have been
3 \$60,000.

4 MR. ABRAMS: Okay. All right. So I -- I don't
5 have any more questions at this time. I can't close out
6 the deposition. It seems that there's some loose ends, so
7 to speak. However, I would invite the other attorneys to
8 question the witness as well to get as far as we possibly
9 can today.

10 MR. TARCZY: Well, Counsel, I just want to put on
11 the record that we are not intending to produce the
12 witness a second time for deposition, so if there are any
13 further questions you need answers to, I would advise that
14 you ask them now.

15 MR. ABRAMS: All right. I take it nobody has any
16 cross-examination questions for this witness?

17 MS. MOON: I do.

18 MR. ABRAMS: Up to you.

19 MS. MOON: I have a couple of questions.

20

21 EXAMINATION BY MS. MOON

22 MS. MOON: Q. Okay. Do you know the date the
23 applicant submitted the U1 exhibit application?

24 A. I do not. Not off the top of my head.

25 Q. Okay. And you don't know the date the applicant

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1 submitted the U2 application; correct?

2 A. I do not have that date memorized, no.

3 Q. Okay. And do you know whether the applicant for
4 second draw PPP completed the application by submitting
5 answers to questions as they come up, or in the complete
6 format as shown on U1 and U2 by completing blank areas?

7 MR. TARCZY: Object to the extent it calls for
8 speculation and is an incomplete hypothetical. But you
9 can answer.

10 THE WITNESS: The applicant would complete blank
11 areas of information as far as text boxes.

12 MS. MOON: Q. So what I'm saying is when they
13 were completing the blank areas, did the applicant see the
14 complete application as it is presented on U1 and U2, that
15 format, and then -- in other words, are the applicants
16 supplying answers to questions as the questions come up?
17 I mean, do you know how they completed the application
18 online?

19 A. I do not recall.

20 MS. MOON: Okay. That's -- that's all.

21 MR. ABRAMS: Well, that doesn't raise anything
22 for me. As mentioned before, I'm reserving my rights on
23 this. I'm not closing this deposition. Anyone have
24 any more questions?

25 MS. MOON: No.

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1 MR. ABRAMS: All right. I'm -- I'm going to
2 disconnect then. Madame Court Reporter, thank you.

3 THE REPORTER: Before we go off the record, can I
4 get copy orders on the record?

5 MR. ABRAMS: You know, I'm going to take that up
6 with the service. That okay with you?

7 THE REPORTER: Yes.

8 MR. ABRAMS: I mean -- oh, I see. So the
9 question is whether the -- the other attorneys want it.

10 MS. MOON: Oh. I will order one for the
11 defendants.

12 THE REPORTER: Okay. Ms. Moon, do you take
13 electronic, paper, or both?

14 MS. MOON: Electronic's fine.

15 MR. TARCZY: And Madame Court Reporter, would I
16 just be able to get your contact information? I don't
17 want to order one know, but I want to discuss with -- with
18 client representatives as to whether they want one.

19 THE REPORTER: Yes. And let me put it in the
20 chat. Okay. We are off the record at 4:08.

21 (Deposition was adjourned at 4:08 p.m. Pacific Time.)

22 ---o0o---

23

24

25

PATRICIA SANDOVAL

PENALTY OF PERJURY

I, the undersigned, hereby certify that I have read the foregoing deposition, that I know the contents thereof, and I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that there are;

(Check one) _____ NO CORRECTIONS
_____ CORRECTIONS AS ATTACHED

Executed this _____ day of _____,
20____.

PATRICIA SANDOVAL

---o0o---

CERTIFICATE OF REPORTER

I, STACY A. SHORT, a Certified Shorthand Reporter, licensed by the State of California, License No. 7446, being empowered to administer oaths and affirmations remotely pursuant to Sections 2093(b)(1) and 2025.310(a) of the California Code of Civil Procedure, do hereby certify:

That the witness in the foregoing deposition, PATRICIA SANDOVAL, was present remotely at the time and date specified and was by me sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceeding was taken before me in shorthand writing and thereafter transcribed under my direction by computer-aided transcription;

That the foregoing transcript constitutes a full, true, and accurate record of the proceedings which took place;

That I am not of counsel or attorney for any of the parties hereto, nor in any way interested in the event of this cause, and that I am not related to any of the parties hereto;

IN WITNESS WHEREOF, I have hereunto subscribed my signature this 24th day of MARCH, 2024.



STACY A. SHORT, CSR

1 DEPONENT'S CHANGES AND/OR CORRECTIONS

2 INSTRUCTIONS: Upon reading the transcript, please note
3 any changes or corrections on this sheet. DO NOT make
4 any marks or notations on the actual transcript. Use
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5 DEPOSITION OF: PATRICIA SANDOVAL
6 CASE NAME: UNITED STATES EX REL. GNGH2 INC. VS.
XLD CENTURY LLC, ET AL.
7 DEPOSITION DATE: TUESDAY, MARCH 19, 2024

8 PAGE LINE CHANGE/CORRECTION

9 _____
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22
23 I, PATRICIA SANDOVAL, have read my deposition of
24 March 19, 2024, and hereby affix my signature that same is
true and correct, except as noted above.

25 SIGNATURE DATE

	10:12,13;11:1; 29:12	14:20;15:6;16:7; 19:13,19;20:3,11; 21:16;22:3;23:17,18; 25:16,18,19,22;26:24; 27:4,6,11,22;28:8,23; 29:18;30:16,17,23; 33:7;42:23,25;43:3, 10,13	22;10:10,16,18;12:7, 9,10,11,14,19;13:2, 21:18;17:20:23; 23:21;25:10,12,15; 26:13;27:12;29:19, 21;30:20;32:19,20; 33:2,14,16,21,23,24; 34:15;36:19,22;37:1; 40:6,10,15,18,20,23; 41:2	
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